

by Joshua Mast and Stephanie Mast, while the Court's Protective Order (ECF No. 26) requires that she be referred to as "Baby Doe." In addition, Exhibit 4 to Plaintiffs' Opposition is a document subject to a sealing order issued by the Circuit Court of the County of Fluvanna. *See* ECF No. 73, Exh. B.

Under the common law right of access to judicial records, documents should be sealed when a party's interest in keeping the information contained therein confidential outweighs the presumed right of public access. *See, e.g. Stone v. Univ. of Maryland Med. Sys. Corp.*, 855 F.2d 178 (4th Cir. 1988); *Ashcroft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). "Courts have recognized that an interest in protecting the physical and psychological well-being of individuals related to the litigation, including family members and particularly minors, may justify restricting access" to court documents. *United States v. Harris*, 890 F.3d 480, 492 (4th Cir. 2018); *see also United States v. Doe*, 962 F.3d 139, 147 (4th Cir. 2020).

In this instance, this Court recognized the threat to Baby Doe and Plaintiffs in its Protective Order (ECF No. 26). Plaintiffs have publicly filed their Opposition. Thus, the public is not wholly deprived of an understanding of the general underlying factual basis for the request. The relief Plaintiffs seek in this motion is narrowly tailored to the circumstances, and aims to seal only what is absolutely necessary to safeguard the safety of persons related to the litigation. Defendants are not prejudiced as they are aware of Plaintiffs' identities and are parties to the sealed proceeding.

Accordingly, Plaintiffs request that Exhibit 4 to Plaintiffs' Opposition be filed under permanent seal, as the risks attendant to public disclosure of these is not likely to dissipate over time.

Dated: March 17, 2023

Respectfully submitted,

/s/ Maya Eckstein

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CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of March, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all CM/ECF participants.

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